



Frequently Asked Questions
(FAQs) to support with the:

Aquatics Transgender & Non-
Binary Guidance & Policy
Documents

Resource Document

Version: 27th September 2023

SECTION 1

General Questions

	Why does the policy differ between sports, isn't this inconsistent?
1.1	<p>In 2021, the Sports Council Equality Group released its 'Guidance on Transgender Inclusion in Domestic Sport'. This required National Governing Bodies (NGB) to 'define the best options for their sport' based upon factors such as contact and the existing competitive model.</p> <p>As an NGB, Scottish Swimming was therefore obligated to consider each sport individually, whilst utilising the same consideration of safety, fairness and inclusion across all sports.</p>
	When does the Competition Policy come into effect? Is there a phasing in period?
1.2	<p>The Competition Policy will go live from 1st January 2024, meaning all competitions and competitors across all sports will need to comply from this date. The Scottish Short Course Swimming Championships held 8-10 December 2023 is a test event and will be held under these conditions.</p> <p>Exceptions do exist where swimming competition licenses have already been granted or leagues that have already begun. If you are a meet promoter and have already received a licence number for a competition before 1st April 2024, your existing conditions will be honoured.</p>
	On what basis/legislation/science is the new guidance and policy documents based on?
1.3	The Transgender & Non-Binary Participation & Training Guidance document, Section 2 contains information on the legal and key policy considerations.
	How and to whom does one raise any questions/concerns?
1.4	Individual members should first contact their club if their query relates to club activity. Otherwise, any questions or concerns relating to the policy should be submitted to equalities@scottishswimming.com .
	Is there an age limitation on the Competition Policy?
1.5	Yes. There are age-specific considerations with regards to Water Polo. This information is explained in the Competition Policy. However, the wider policy is applicable for all ages.
	If there is a suspicion the policy is being misused, why can't a competitor be challenged at the event using the existing Protest regulations?
1.6	<p>Scottish Swimming recognises that this is a sensitive area and therefore the wellbeing of competitors and event volunteers is our primary concern. Scottish Swimming asks that such concerns are raised post-event.</p> <p>Please advise the complainant that the challenge will be looked into following the event. Do not approach the athlete.</p>
	The Competition Policy refers to athletes in the female category needing to 'provide confirmation' that their birth sex is female, what does this mean?
1.7	The event conditions will be updated to include the following: The Female category is for birth sex females in accordance with Scottish Swimming's Transgender and Non-Binary Competition Policy. By entering the 'Female' category you confirm that your birth sex is female.
1.8	What is Scottish Swimming's policy on trans participants use of changing rooms?

	<p>Scottish Swimming does not set changing room policy for trans participants. If you have queries about changing room usage, Scottish Swimming recommends speaking to the pool operator about its designated policy.</p> <p>The Participation & Training Guidance document has useful information for Clubs to consider when liaising with facilities regarding changing room management.</p>
1.9	<p>If 'safety' is the overall priority, why are trans males able to compete with other males within the 'Male & Open' category of Water Polo?</p> <p>Whilst safety is the overall priority, Scottish Swimming believes trans males should be able to compete in the 'Male & Open' category of Water Polo, if they make the informed decision to do so.</p> <p>Trans males or non-binary individuals with a birth sex of female who wish to compete in the 'Male & Open' category may be required to sign an assumption of risk form if considered necessary by the club.</p>
1.10	<p>What support will I receive to help me understand and enact the changes to the policy?</p> <p>Update sessions continue to be delivered to selected stakeholder groups across aquatics and guidance is available via the Scottish Swimming website.</p>
1.11	<p>Can athletes wear whatever costume they want within the 'Male & Open' category?</p> <p>World Aquatics have set out the expectations for swimwear and we would still expect competitors to comply with this. We recognise that athletes may not want to wear costumes as prescribed in these rules and where possible, we will support this.</p> <p>We have published our swimwear guidance in the Competition Policy and there is a separate swimwear policy which outlines different formats of costume. It is essential an athlete applies for a Certificate of Exception through the Scottish Swimming Swimwear Policy if they require to wear a costume not specified by World Aquatics.</p>
1.12	<p>What is the 'Eligibility Category' for competition?</p> <p>As per the Competition Policy, these are the categories into which competition is split. You may see it represented as 'EC' on websites such as swimmingresults.org.</p>
1.13	<p>When will the Competition Policy and the Participation & Training Guidance documents be reviewed?</p> <p>Research continues to evolve within this area and therefore a 12-month review period will be implemented. Should significant academic research, particularly related to aquatics be released, Scottish Swimming reserves the right to review at an earlier stage.</p>

For any further information or clarification on any of the above points, please consult the guidance and policy documents in the first instance. Otherwise, any additional queries that you may have, please direct to equalities@scottishswimming.com

SECTION 2

Club Questions

2.1	<p>I am a team manager and an athlete who identifies as female wants to room share with other females (or vice-versa), what do I do?</p> <p>Further information is available in the Participation and Training guidance document. Scottish Swimming recognises that overnight stays during a camp or competition need to be considered. In this instance the safety and wellbeing of all members, regardless of whether they are trans, must be prioritised.</p> <p>Therefore, Scottish Swimming recommends that birth sex be used when determining room sharing. If room sharing is not appropriate in these circumstances, a single room should be offered.</p>
2.2	<p>I am a membership secretary and a parent asked me to change the gender of their child on JustGo, how do I go about this?</p> <p>If they wish to update their gender and/or eligibility category, this can be done by contacting the Scottish Swimming Membership Team.</p> <p>Contact equalities@scottishswimming.com where the team will be happy to help with the process. It is the 'Eligibility Category' field that determines the category of competition.</p> <p>Please note, the process to change someone's 'Eligibility Category' may take up to 28 days and can only be changed back once.</p>
2.3	<p>I am a membership secretary and I am unsure an athlete is being truthful about their gender, what do I do?</p> <p>Please do not approach the member directly as any presumption, whilst legitimate, may be unfounded and cause harm. More information is contained in the Participation & Training guidance document.</p>
2.4	<p>I am a coach and an athlete identifying as female wants to train with other females (or vice-versa) – what should I do?</p> <p>The Participation and Training guidance document provides clubs with support in regards to including trans members into club training sessions and wider club activities.</p>
2.5	<p>Our club has a volunteer who is trans female / trans male, what do we need to do?</p> <p>An individual should be free to volunteer as per their gender identity, free from discrimination. The Participation and Training guidance document provides clubs with support in regards to including trans members into club activities. There is also a section on Team Managing and overnight stays which provides further information.</p>
2.6	<p>With regards to managing a training session and including trans members, are there any considerations for the club to be aware of?</p> <p>Coaches should continue to coach in an inclusive environment, adapting sessions to the needs of the individual athlete and their goals. It is our recommendation that clubs agree a working group to maintain confidentiality and support trans members. This could be the Wellbeing & Protection Officer (WPO), Head Coach and Club Chairperson.</p> <p>In developing inclusive practice to support members identifying as trans, there are a number of points that the working group should consider. These are clearly explained in the Participation & Training Guidance document.</p>

2.7	<p>As a club what do we need to consider in regards to confidentiality and information sharing if we have a trans or non-binary member?</p> <p>All members have a right to privacy. This includes the right to keep private one's trans status or gender. Information about a member's trans status, legal name, or gender assigned at birth also constitute medical and confidential information under the data protection act (GDPR).</p> <p>When a member initially discloses their trans status, it is important to talk to them about confidentiality and who, if anyone, they would like information to be shared with. There will be cases when a member's trans identity is not widely known, and the club should protect this information unless the member wishes it to be known.</p> <p>Staff and club committee members should involve parents/carers in the discussion with athletes in regards to their transgender status where considered appropriate and in line with the Scottish Swimming Safeguarding Policy. More information is contained in the Participation & Training guidance document.</p>
2.8	<p>Some of our members are unsure of the correct use of pronouns when referring to or speaking to trans or non-binary members. What is the best way to manage the use of pronouns?</p> <p>Typical pronouns are 'he' or 'she'. Some trans people, especially those with a non-binary gender identity, are unhappy about people referring to them as 'he' or 'she,' and use the gender-neutral pronoun, 'they.'</p> <p>Using pronouns is an indication of someone's gender identity. Club members should take care not to 'out' an individual by using a pronoun which differs from the one they use in public. Similarly, club members should avoid misgendering a trans individual.</p> <p>If you are supporting a trans person, be led by them, checking with them what pronoun and/or name you should use and in which circumstances. This may be different depending on whether it is in public or private and may change over time. This is part of the process of their transition.</p> <p>Club members must avoid 'deadnaming'. This is when someone intentionally calls a person identifying as trans, by their previous name. Depending on the situation, it could be distressing for the individual and could be viewed as bullying.</p> <p>If someone accidentally calls a person by their previous name or using the wrong pronoun, they should simply apologise and try not to do this in the future. More information is contained in the Participation & Training Guidance document.</p>

For any further information or clarification on any of the above points, please consult the guidance and policy documents in the first instance. Otherwise, any additional queries that you may have, please direct to equalities@scottishswimming.com

SECTION 3

Competition Questions

3.1	<p>What is the difference between a licensed and unlicensed competition within swimming?</p> <p>Licensed competitions have been granted a licence by either Scottish Swimming or a SASA District, on submission of a formal application detailing the conditions and management of the event. As a result, licensed competitions within swimming (levels 1 and 2) can submit times into national rankings whereas unlicensed competitions cannot.</p>
3.2	<p>In an unlicensed competition, can a trans male athlete wear jammers only?</p> <p>No, unless a swimwear exception has been applied for and granted under a 'Certificate of Exception' process through the National Swimming Committee.</p> <p>As per World Aquatics Rules - swimwear must not give the effect of excessive nudity inappropriate for sport and must be dignified and suitable for competition.</p>
3.3	<p>I am a meet promoter and I have received a challenge in relation to a gender of an athlete, what do I do?</p> <p>Please advise the complainant that the challenge will be looked into following the event. Do not approach the athlete. You will be provided with a reporting form, with a request for basic information including the competitor involved, the individual raising the concern and the basis for this concern. Completed forms should be submitted to equalities@scottishswimming.com</p>
3.4	<p>An athlete looks male and is competing in the Female category (or vice-versa), what do I do?</p> <p>Please do not approach the member directly as any presumption, whilst legitimate, may be unfounded and cause harm. Questions or concerns relating to the Competition Policy and competition category eligibility should be submitted to equalities@scottishswimming.com</p>
3.5	<p>An athlete wants to enter a competition as non-binary, what do I do as the meet promoter?</p> <p>Please consult the Competition Policy with regards to eligibility category. If you are unsure as to the appropriate category, questions can be submitted to equalities@scottishswimming.com</p>
3.6	<p>I am a meet promoter; do I need to change my criteria for my meet that has already been granted a licence?</p> <p>No, if you have already received a licence number prior to the launch of the Competition Policy your existing conditions will be honoured.</p> <p>We appreciate that the documents for the meet might not all comply as a result of entries being open prior to the updates of the event management software. If you wish to update your conditions to comply with the new Competition Policy, please contact your SASA District Licensing Officer.</p> <p>All meet documentation pre and post entries shall show the new competition categories where possible. A guide for clubs will be available to support this process.</p>

3.7	<p>For Swimming results, will the Results and Rankings website look any different?</p> <p>Rankings will refer to 'Open/Male' times rather than simply 'Male'. Given swimmingresults.org includes British, Welsh and Scottish rankings the term 'Male' must still be included for accuracy.</p>
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	The Scottish Swimming Services Team will be able to provide support with regards to membership, rankings and data protection. Enquiries should be directed to equalities@scottishswimming.com .
3.8	<p>I am looking at swimmingresults.org and there are still references to “male”. Why is this the case?</p> <p>The swimmingresults.org website is a live website and changes will therefore begin to take place from 1 September 2023. Swim England who operates the website will endeavour to make these changes as quickly as possible. However, if you notice a reference has been missed, please email equalities@scottishswimming.com and the team will pass on as appropriate.</p>
3.9	<p>Will I need to update my meet entry software to reflect the changes?</p> <p>Scottish Swimming is in discussion with third party meet entry software providers about the changes. We do not have direct control over these applications, but we expect updates to begin soon and implemented when new versions of the software are released.</p> <p>Entries to competitions for trans & non-binary competitors will continue to be made through the entries system that their club uses and will be entered as male athletes until such time entry systems have been updated to include other entry classifications.</p>
3.10	<p>I am a judge in a swimming competition, and I believe there is an athlete in the wrong category, what should I do?</p> <p>Please speak to the lead referee who will refer the matter in accordance with the agreed process.</p>
3.11	<p>I am a referee and I receive a report of an athlete potentially in the wrong category, what should I do?</p> <p>Scottish Swimming recognises that this is a sensitive area and therefore the wellbeing of competitors and our event volunteers is our primary concern. Scottish Swimming asks that such concerns are raised post-event. Please advise the complainant that the challenge will be looked into following the event.</p> <p>Do not approach the athlete. You will be provided with a reporting form, with a request for basic information including the competitor involved, the individual raising the concern and the basis for this concern. Completed forms should be submitted to equalities@scottishswimimng.com</p>
3.12	<p>I am due to attend a swimming licensed competition after the 1 January 2024 and the Female/Male categories are still being used rather than Female and ‘Male & Open’. Is that correct?</p> <p>If a competition has already been granted a licence prior to 1 April 2024, then Scottish Swimming has agreed to honour the conditions of the application. This may mean that some competitions continue to use ‘Female/Male’ categories until end of March 2024.</p> <p>Any new competition licence applications must have the Female and ‘Male & Open’ categories detailed for entry.</p> <p>If you are unsure, please contact equalities@scottishswimming.com. SASA District Licensing Officers will be checking any licensing applications received after the launch of the new Competition Policy In order to ensure they comply.</p>
3.13	<p>I believe that competitors are abusing the ‘self-ID’ aspect of the policy in order to gain a performance advantage. What can I do?</p> <p>Scottish Swimming recognises that this is a sensitive area and therefore the wellbeing of competitors is our primary concern. Scottish Swimming asks that such concerns are raised post-</p>

	event. Please advise the complainant that the challenge will be looked into following the event. Do not approach the athlete.
3.14	<p>I am an event organiser and I want to use the new Competition Policy prior to 1st January 2024. Is this ok?</p> <p>No. The policy does not come into effect until the 1st of January 2024.</p>
3.15	<p>I am an event organiser and I will be opening up entries before 1st January 2024 but my event is after. What do I need to do?</p> <p>Scottish Swimming recognises there will be a period of transition between the old and new categories, and we therefore expect to see some instances of the category 'Male' still appearing on documents and scoreboards post 1st January 2024.</p> <p>For swimming there will be information released in due course for competition organisers for managing solutions on Hytek. Conversations with entries and results software providers is ongoing and new updates will be released in due course, hopefully by summer 2024.</p>
3.16	<p>During an event, if we receive a challenge in relation to a record and/or medal winning athlete on the grounds of a trans query, what should I do?</p> <p>The result stands and the challenge will be looked into following the event. The medal(s) will be awarded to the athlete and record achievements should be announced as 'subject to ratification'. Do not approach the athlete. As per the Competition Policy, challenges should be submitted to equalities@scottishswimming.com.</p>
3.17	<p>I am unable to set the categories of 'Female' and 'Male & Open' on external software such as Hytek, what should I do?</p> <p>Scottish Swimming recognises there will be a period of transition between the old and new categories, and we therefore expect to see some instances of the category 'male' still appearing post 1st January 2024.</p> <p>The following text can be added to event conditions to account for this: Currently, the software used to manage and run the meet are not capable of the new 'Male & Open' and 'Female' categories. An exact date for when these changes will be made is not yet available.</p> <p>A guide for clubs to allow renaming of headings will be created and communicated through the SASA Districts before 1st January 2024.</p>
3.18	<p>Do affiliated clubs and organisations need to adhere to the Competition Policy?</p> <p>Any clubs or organisations affiliated to Scottish Swimming, or a SASA District who are running competitions under Scottish Swimming Rules & Regulations must adhere to the new Competition Policy.</p>
3.19	<p>Do Water Polo leagues need to adhere to the Competition Policy?</p> <p>If the league is affiliated to Scottish Swimming, it must adhere to the new Competition Policy.</p>
3.20	<p>Do swimming leagues need to adhere to the Competition Policy?</p> <p>If a swimming league event is licensed, it must adhere to the new Competition Policy. Within unlicensed events athletes should be free to self-ID as per the Competition Policy.</p>

	Where a league has different stages of competition (i.e. prelims and finals) and different licence levels exist, for example the preliminary rounds competed as level 4 and the league final held as a licence level 2, then participants must enter the league in the competition category they are eligible for under licenced competition conditions. It is not possible to compete in both eligibility categories within the same league/competition.
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For any further information or clarification on any of the above points, please consult the guidance and policy documents in the first instance. Otherwise, any additional queries that you may have, please direct to equalities@scottishswimming.com

SECTION 4

Member Questions

4.1	My child wants to identify as female or as a male, how do I ask the Club to respect their wishes?
	<p>Scottish Swimming recommends speaking with the Club Wellbeing & Protection Officer (WPO) and Coach to agree the best course of action within the remit of the club. This is an evolving area and therefore understanding will be needed from all parties to ensure that changes can be implemented positively.</p> <p>Whilst every effort must be made to respect the needs of your child, safeguarding must remain the overall priority. The Club may have a working group in place for supporting with queries such as this. More information and support is available in the Participation & Training Guidance document.</p>
4.2	I believe my child is being discriminated against by the club because they identify as trans female / trans male, what do I do?
	<p>We take a zero-tolerance approach to transphobia and discrimination. Each club should have in place an anti-bullying policy to support. Such instances should be reported via the Club WPO and emailed to equalities@scottishswimming.com.</p> <p>In serious cases it may be appropriate to contact the Police. If this is the case Scottish Swimming should also be informed to ensure the appropriate support is provided.</p>
4.3	What will happen to historical records on swimmingresults.org?
	Historical records will be listed as 'Female' and 'Open/Male'. The latter will be used to reflect that historical records were achieved within the 'Male' category, prior to the implementation of the new 'Male & Open' category. The heading 'Competition Sex' will also be replaced by 'EC', in reference to 'Eligibility Category'.

4.4	I'm eligible for the 'Female' category but would like to participate in certain competitions within the 'Male & Open' category, is this possible?
	The objective of the Competition Policy is to determine how trans and non-binary members can compete within Scottish Swimming's sports. As a result, members will not be able to freely alternate between the 'Female' and 'Male & Open' categories. A maximum of 2 changes within a 12 month

	period may be made. Please note, the Scottish Swimming process may take up to 28 days for the member details to be amended.
4.5	<p>I have previously competed in the 'Female' category and will need to change to the 'Male & Open' category, how do I do this?</p> <p>To update your eligibility category this can only be done by contacting equalities@scottishswimming.com where the team will be happy to help with the process. It is the 'Eligibility Category' field in JustGo that determines the category of competition. Please note, the process to change someone's 'Eligibility Category' may take up to 28 days for the details to be amended and can only be changed back once within a 12 month period..</p> <p>Where a member changes their competition category, it may be necessary to issue a new membership number to the member with the existing number being retired. Any rankings and results information relating to the original number will not transfer to the new number. Any qualifications or credentials associated with the member will be transferred to the new number.</p> <p>Please see the Membership and Rankings information in the Competition Policy and the Participation & Training Guidance document.</p>
4.6	<p>As an athlete, what do I need to be aware of with regards to clean sport requirements?</p> <p>All athletes should be aware they may be subject to doping control testing as per the UK Anti-Doping Rules. Athletes are responsible for anything found in their system, including prescribed medication, supplements, and hormone regimes, regardless of how it got there or whether there is any intention to gain an advantage. All athletes and athlete support personnel should make themselves aware of the risks, so they do not face the prospect of being banned from the sport.</p> <p>The use of hormones/steroids in most cases contravenes the "World Anti-Doping Agency Code" and therefore any trans or non-binary participants using this type of medication for the purpose of gender reassignment, are encouraged to contact Scottish Swimming to discuss application for a Therapeutic Use Exemption (TUE) in the first instance.</p>
4.7	<p>As a trans athlete how do I qualify for the Scottish National Aquatics Programme?</p> <p>Any trans or non-binary athlete seeking selection onto the Scottish Swimming National Aquatics Programme currently will be selected upon achieving the appropriate selection criteria in the Male category only, unless eligible for the Female category.</p>

For any further information or clarification on any of the above points, please consult the guidance and policy documents in the first instance. Otherwise, any additional queries that you may have, please direct to equalities@scottishswimming.com

This FAQ resource is a 'live' document and will be updated when additional information or clarifications are required to be communicated.